THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.15020 of 2006

Date: 22.06.2007

Between:

K.S.Suresh Chander amd another.

....Petitioners

And

Executive Engineer and others.

....Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.15020 of 2006

O R D E R:

The petitioners were allotted a house bearing No.32-B at Residency Staff Quarters, Esamia Bazar, Hyderabad, sometime in the year 1961, by the City Improvement Board, on outright sale basis. However, the sale deed could not be executed, for the past four decades. The A.P.Housing Board had succeeded to the City Improvement Board.

The petitioners state that the entire consideration for the house was paid by 03.01.1970. When the petitioners insisted on execution of sale deed in their favour, the first respondent addressed a letter, dated 18.03.2006, requiring them to pay a sum of Rs.3,05,405/- towards the cost of excess area of 35.93 square yards. The petitioners challenge the said order.

Heard the learned counsel for the petitioners and the learned Standing Counsel for the A.P. Housing Board.

The agreement in favour of the petitioners was of a

house constructed over an extent of 200 square yards. The price was fixed and it has since been paid. The particulars furnished by the petitioners clearly disclose that the size of the plot for 'B' Class houses was 200 square yards and the area of construction was 950 square feet. With these specifications, the house was constructed and possession was handed over about 40 years ago. It is not open to the respondents now to insist on payment of the consideration for additional area. The sale deed can be restricted to 200 square yards together with the house. In case, any excess area is found in possession of the petitioners, necessary steps need to be taken. However, the execution of the sale deed, cannot be withheld, on the ground that the petitioners are not paying the consideration for the excess area. The averment of the petitioners that the consideration for the house and plot was paid even by the year 1970 is not disputed.

Hence, the Writ Petition is disposed of, directing the respondents to execute the sale deed in favour of the petitioners, for the plot area of 200 square yards and house thereon. It shall, however, be open to them to take steps, if any excess area is in possession and enjoyment of the petitioners. There shall be no order as to costs.

22.06.2007

JSU